

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

JERRY L. RECTOR,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:18-CV-00001 NCC
	)	
DR. RUANNE STAMPS, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

Plaintiff, an inmate at Moberly Correctional Center (“MCC”), has moved for a “cease and desist” order against MCC relating to the amount that he believes will be taken from his prison account to pay the Court’s filing fee in this matter. Plaintiff’s motion for injunctive relief will be denied.

On March 23, 2018, this Court reviewed plaintiff’s complaint pursuant to 28 U.S.C. § 1915 and granted plaintiff leave to proceed in forma pauperis in this matter. Plaintiff was ordered to pay an initial partial filing fee of \$34.31 within thirty (30) days of the date of that Memorandum and Order, or face dismissal of his action, without prejudice.<sup>1</sup> Plaintiff has failed to pay the initial partial filing fee as of this date.

According to plaintiff, after he received the Court’s March 23, 2018 Memorandum and Order, he spoke to his wife and she contacted someone at MCC as to how the filing fee would be paid from plaintiff’s account. Plaintiff claims that his wife was told that the fee would be paid in

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<sup>1</sup>Pursuant to the Prison Litigation Reform Act, prisoners are required to pay the full amount of the filing fee, even when granted leave to proceed in forma pauperis. See 28 U.S.C. § 1915; see also, In re Tyler, 110 F.3d 528, 529-30 (8th Cir. 1997) (under Prison Litigation Reform Act, prisoners are responsible for filing fees the moment a civil action is filed).

an amount of \$350 when plaintiff's prison account exceeded an amount of \$199. Plaintiff and his wife were misinformed.

By statute, 28 U.S.C. § 1915(b)(2), after an initial partial filing fee is paid by the prisoner, the prisoner is required to make monthly payments of 20 percent **of the preceding month's income** credited to the prisoner's account. 28 U.S.C. § 1915(b)(2). The agency having custody of the prisoner will forward these monthly payments to the Clerk of Court **each time the amount in the prisoner's account exceeds \$10**, until the filing fee is fully paid. *Id.*

In light of the plain language of the statute and the Missouri Department of Corrections' responsibilities as a result of the statute, it is not necessary to enjoin MCC from taking too much money from plaintiff's account at one time to pay this Court's filing fee. If at some time in the future plaintiff believes that MDOC has been taking more money from his account than the statute allows, he must provide the Court with a copy of his prison account statement in addition to a motion requesting relief.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to "cease and desist" [Doc. #11] is **DENIED**.

**IT IS FURTHER ORDERED** that plaintiff shall pay an initial filing fee of \$34.31 within thirty (30) days of the date of this Order. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for an original proceeding.

**IT IS FURTHER ORDERED** that plaintiff's failure to timely pay the initial partial filing fee will result in the dismissal of this case.

Dated this 9th day of May, 2018.

/s/ Noelle C. Collins  
NOELLE C. COLLINS  
UNITED STATES MAGISTRATE JUDGE